

Application No.: 09/364,731  
Amendment dated:  
Reply to Office Action of: July 30, 2004

### **REMARKS**

This amendment is responsive to the Office Action dated July 30, 2004. Reconsideration of the present application is respectfully solicited based on the arguments urged below.

The Examiner indicates that the Applicant's specification does not provide support for using a caller's automatic number and a personal identification number and a parameter relating to the card (or identification data) for determining whether the caller is in good standing, as recited in the independent claims 29, 38, 39, and 48. The Examiner contends that according to Newton's Telecom Dictionary, within the telephony art, a personal identification number is "AT&T term meaning the last four digits of your AT&T, MCI Bell operating company Credit Card – the card you use for making long distance numbers." The Examiner takes the position that Applicant's specification includes no mention of a personal identification number as defined within the telephony art.

Respectfully, Applicant notes that the Court (in a Markman ruling in *Ronald A. Katz Technology Licensing, L.P. v. AT&T Corp.*, Case No. 97-4453, U.S.D.C., E.D. Pa.) has construed "personal identification data" to mean data that identifies a caller as an individual. The personal identification may be a PIN (typically the last four digits of a card number) or an expiration data from a credit card as long as the data identifies the individual. The definition in Newton's defines a specific scenario where the personal identification number is the last four digits of a card issued by a telephone company for the purpose of making a long distance call. Clearly, Newton's definition falls within the scope of the definition urged by the Court. Applicant urges the Examiner to reconsider her rejections in view of the above ruling by the Court.

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In addition, the Examiner alleges that Applicant's system does not prevent connection if it is determined that the caller is in good standing, as recited in claims 31 and 39, since connection has already taken place between the caller and the call destination prior to receiving lottery information from the caller. Applicant respectfully submits that the claims here call for preventing connection of telephone calls if validation determines the call is not made by caller in good standing; and preventing continuation of telephone calls if validation determines that call is not continuing in good standing. Clearly, according to the claims, at the very least, calls must be connected to a destination point where the validation occurs. Applicant's system supports the claim as it stands. It should be noted that, with the complexities of telephone systems and networks, there are a series of destination points where different operations may occur. Accordingly, to simply say that connection has already taken place is not sufficient evidence that differentiates the claims from Applicant's system as described in the specification.

Applicant respectfully requests the Examiner to reconsider her position based on the arguments urged here.

The Examiner further indicates that "Applicant's disclosure fails to provide support for "a voice response means capable of providing an oral report of current account status to travel card users." Applicant's specification teaches providing callers with on-going accounting data that would clearly constitute as an oral report of current account status.

Application No.: 09/364,731

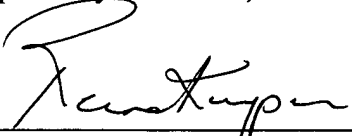
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Favorable consideration and allowance of the claims pending here is respectfully requested.

Respectfully submitted,

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